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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,507	07/08/2005	Takushi Yoshida	P/1250-293	2987
2352 7590 08/27/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER MACARTHUR, SYLVIA				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
08/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,507

Applicant(s)

YOSHIDA ET AL.

Examiner

Sylvia R. MacArthur

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-78 is/are pending in the application.
- 4a) Of the above claim(s) 51-56 and 69-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 40-50 and 57-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 8/12/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,807,455 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Amendment

2. The amendment of the claims filed 5/8/2009 wherein the abnormality detection part is recited as detecting an abnormality has necessitated the rejections below wherein the prior art provided by applicant in an IDS of 12/7/2007 will be discussed below. Furthermore, applicant has recited in the remarks on page 13, paragraph 6 that the "combined effect" of the results of the plurality of control elements monitoring and collection determines whether an abnormality exists. It is recommended that the claims recite the language used in the remarks page 13 paragraph 6 to better clarify the language concerning combination of control elements.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40-47 and 57-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashi et al (JP 2003-005826) using the Machine generated translation provided by applicant.

5. Takashi et al teaches a system and method for management wherein the apparatus comprises a network having a coupling (plant 2 is provided with a AGC 4 and LAN 9) between

a substrate processing apparatus (processors M1-Mn) discharging solution onto a rotation substrate via spin chuck 40, a computer 7 comprises a collection part (data box, see abstract) wherein data such a temperature and humidity are monitored (via sensor 44) and collected, see also [0036 and 0037] wherein other control elements (such as rotation speed) are recited. The term non-conformity and automated diagnosis program found through the prior art is interpreted as the abnormality see also the claims section. Note humidity is interpreted as a measure of concentration. The combined effect is interpreted from section [0064].

The discussion of the supply pipe in [0027] anticipates the discharge step.

Note the specific liquid discharged is a matter of an intended use as the nozzles and supply pipes of the prior art are inherently capable of supplying pure water and/or HF and perform cleaning. Furthermore, the type of fluid and process performed does not structurally limit the supply apparatus as claimed. Note also that the sequential order of the processing steps do not further limit the structure of the apparatus as all are controlled by the process controllers (1st, 2nd control sections, and computer) and are inherently capable of performing the steps in the order claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 48-50 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi et al (JP 2003-005826) in view of Konishi et al (US 6,145,519).

8. The teachings of Takashi et al were discussed above. Takashi fails to teach a circulation mechanism. Konishi et al teaches a substrate processing unit wherein a substrate is cleaned. Konishi et al teaches a recovery unit to recycle/circulate the treatment solution. Konishi et al teaches both HF and water as treatment fluids see col. 8 line 58 and the abstract. The motivation to provide a circulation system is that recycling/recovery of the treatment is conventional and known to allow for conservation of treatment fluids and save process costs as "fresh", previously unused solution is unnecessary or greatly reduced for subsequent runs. Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to modify the apparatus of Takashi et al with Konishi et al.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-Th during the hours of 8 a.m. and 4:30 p.m..

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 25, 2009

/Sylvia R MacArthur/
Primary Examiner, Art Unit 1792